

2-6-06

1642

PTO/SB/21 (05-03)

Approved for use through 04/30/2003. OMB 0651-0031  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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<b>TRANSMITTAL FORM</b> <i>(to be used for all correspondence after initial filing)</i>	<b>Application Number</b>	09/936,979
	<b>Filing Date</b>	January 24, 2002
	<b>First Named Inventor</b>	William Melvin
	<b>Group Art Unit</b>	1642
	<b>Examiner Name</b>	Unassigned
<b>Total Number of Pages in This Submission</b>	<b>Attorney Docket Number</b>	1012-010300US

ENCLOSURES (check all that apply)		
<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Assignment Papers (for an Application)	<input type="checkbox"/> After Allowance Communication to Group
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment / Response	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition Routing Slip (PTO/SB/69) and Accompanying Petition	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address	<input checked="" type="checkbox"/> Additional Enclosure(s) (please identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Terminal Disclaimer	Response to notice of defective response and acknowledgment postcard
<input type="checkbox"/> Information Disclosure Statement	<input checked="" type="checkbox"/> Computer readable form of sequence listing, diskette	
<input checked="" type="checkbox"/> Copy of Notice to of Defective Response	<input checked="" type="checkbox"/> Sequence Listing	
<input checked="" type="checkbox"/> Statement regarding Sequence Listing	<b>Authorization to Charge Deposit Account</b> Please charge Deposit Account No. 50-0893 for any additional fees associated with this paper or during the pendency of this application, including any extensions of time for consideration of the documents enclosed.	
<input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	Remarks	

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual name	Jonathan Alan Quine, Reg. No. 41,261, Quine Intellectual Property Law Group P.C.
Signature	
Date	February 2, 2006

CERTIFICATE OF MAILING			
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service as Express Mail No. EV264208785US in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.			
Typed or printed name	Deborah Berwick		
Signature		Date	February 2, 2006



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U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
09/936,979	William Melvin	1012-103US

INTERNATIONAL APPLICATION NO.	
PCT/GB00/01030	
I.A. FILING DATE	PRIORITY DATE
03/20/2000	03/19/1999

22798  
 QUINE INTELLECTUAL PROPERTY LAW GROUP, P.C.  
 P O BOX 458  
 ALAMEDA, CA 94501

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JAN 18 2006

CONFIRMATION NO. 2841  
 371 FORMALITIES LETTER  
 \*OC000000017823195\*

Date Mailed: 01/11/2006

## NOTIFICATION OF DEFECTIVE RESPONSE

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495)

- Priority Document
- Copy of the International Application filed on 09/18/2001
- Copy of the International Search Report filed on 09/18/2001
- Copy of IPE Report filed on 09/18/2001
- Preliminary Amendments filed on 09/18/2001
- Biochemical Sequence Diskette filed on 01/11/2006
- Oath or Declaration filed on 01/24/2002
- Copy of references cited in ISR filed on 09/18/2001
- U.S. Basic National Fees filed on 09/18/2001
- Assignment filed on 01/24/2002

RESPONSE DUE February 14, 2006

Applicant's response filed 01/11/2006 is hereby acknowledged. The following requirements set forth in the NOTIFICATION of MISSING REQUIREMENTS mailed 11/27/2001 have not been completed.

- This application clearly fails to comply with the requirements of 37 CFR. 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing", an initial paper or compact disc copy of the "Sequence Listing", **as well as an amendment specifically directing its entry into the application.** Applicant must also provide a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.
- A copy of the "Sequence Listing" in computer readable form has been submitted. However, the content of

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 Jan 18/2006

the computer readable form does not comply with the requirements of 37 CFR 1.822 and/or 1.823, as indicated on the attached copy of the marked -up "Raw Sequence Listing." Applicant must provide a substitute computer readable form (CRF) copy of the "Sequence Listing" and a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d).

**Applicant is required to complete the response within a time limit of ONE MONTH from the date of this Notification or within the time remaining in the response set forth in the Notification of Missing Requirements, whichever is the longer. No extension of this time limit may be granted under 37 CFR 1.136, but the period for response set in the Notification of Missing Requirements may be extended under 37 CFR 1.136(a).**

For questions regarding compliance to 37 CFR 1.821-1.825 requirements, please contact:

- For Rules Interpretation, call (571) 272-0951
- For Patentin Software Program Help, call Patent EBC at 1-866-217-9197 or directly at 703-305-3028 / 703-308-6845 between the hours of 6 a.m. and 12 midnight, Monday through Friday, EST.
- Send e-mail correspondence for Patentin Software Program Help @ [ebc@uspto.gov](mailto:ebc@uspto.gov)

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

DONNA S GREENE

Telephone: (703) 308-9140 EXT 222

PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
09/936,979	PCT/GB00/01030	1012-103US

FORM PCT/DO/EO/916 (371 Formalities Notice)



I hereby certify that this correspondence is being deposited with the United States Postal Service as Express Mail No. EV264208785US, in an envelope addressed to: COMMISSIONER FOR PATENTS P.O. BOX 1450, ALEXANDRIA, VA 22313-1450, on February 2, 2006

QUINE INTELLECTUAL PROPERTY LAW GROUP P.C.

By Deborah Berwick  
Deborah Berwick

Attorney Docket No. 1012-010300US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

William Melvin et al.

Application No.: 09/936,979

Filing Date: January 24, 2002

For: **ANTIBODIES SPECIFIC FOR CYP1B1**

Examiner: Unassigned

Art Unit: 1642

TRANSMITTAL LETTER - RESPONSE  
TO NOTIFICATION OF DEFECTIVE  
RESPONSE

Mail Stop PCT  
Commissioner for Patents, P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Pursuant to the "Notification of Defective Response" dated January 11, 2006, enclosed are the following to be made of record in the above-identified application:

- 1) Sequence Listing
- 2) Diskette containing electronic copy of sequence listing
- 3) Statement Accompanying Sequence Listing
- 4) Copy of Notification of Defective Response
- 5) Transmittal
- 6) Receipt indication postcard

REMARKS

Applicants dispute the allegations of the "Notification of Defective Response" dated - January 11, 2006. Contrary to the allegations in the Notification, the response filed on December 20, 2001 was a complete and proper response to the Notice to File Missing Requirements dated

November 23, 2001. Applicants note that, contrary to the allegations in the Notification of Defective Response, *no sequence listing was requested* in the Notice to File Missing Requirements. A response that does not include information that is not requested can hardly be considered "Defective" as now alleged by the Office.

Furthermore, Applicants note that the filing date of January 24, 2002 given the application in the Notice of Acceptance of Application on February 11, 2002 *should be maintained*, given that a complete response to the Notice to File Missing Requirements was filed in 2001. Every item requested in the Notice to File Missing Requirements was plainly provided in the response of December of 2001. The Office's delay of *more than four years* in requesting a sequence listing (or, indeed, in taking any action at all on the application), is manifestly improper and is plainly prejudicial to Applicants.

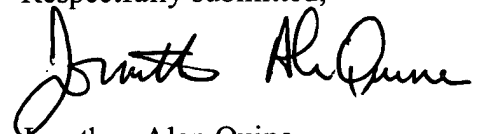
In light of the Office's clear errors in processing the application, and the Office's extremely late request for a sequence listing, Applicants request that the Office maintain the original Acceptance of Application provided on February 11, 2002. Moreover, Applicants request that the Application now be examined expeditiously, as the Application is, clearly, far past any applicable guidelines for Examination that now exist in the Office.

In the event that the original Notice of Acceptance of Application on February 11, 2002 is *not* maintained, Applicants ask that the Office cite guidelines or legal authority that grants the Office the authority to *withdraw* an acceptance of Application for entry into the national stage in the US, more than 4 years after that acceptance is initially granted.

Finally, **Applicants request supervisory review of this submission.**

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Respectfully submitted,

  
Jonathan Alan Quine  
Reg. No: 41,261